

**MINUTES**  
**Montana Fish, Wildlife & Parks**  
**Commission Conference Call Meeting**  
**1420 East 6<sup>th</sup> Avenue – Helena Headquarters**  
**Helena, MT 59620**

**AUGUST 28, 2008**

**Commission Member Present:** Steve Doherty, Chairman; Shane Colton, Vice-Chairman; Dan Vermillion; Willie Doll.

**Fish, Wildlife & Parks Staff Present:** Chris Smith; Larry Peterman; Quentin Kujala; Jeff Herbert; Chris Hunter; Joe Maurier, Bob Lane; Paul Sihler; Ron Aasheim; Hugh Zackheim; Jack Lynch; Jim Kropp; Gary Bertellotti; Nancy Kraft.

**Fish, Wildlife & Parks Staff Present via Telephone:** Jim Satterfield, Jim Williams; John Wachsmuth; Gael Bissell, Jim Vashro.

**Guests Present:** Russ Miller.

**Media Present:** None.

**Topics of Discussion:**

- 1. Opening – Call to Order**
- 2. Charlie Lincoln Ranch Acquisition - Final**
- 3. 2008 Late Season Migratory Waterfowl Seasons/Closures – Final**
- 4. CSKT Upland Bird and Waterfowl Regulations – Endorsement**
- 5. Ingham Foys' Bend Property Acquisition – Endorsement**
- 6. Holmgren Fishing Access Site Acquisition on the Yellowstone River – Final**

**1. Call to Order.** Chairman Doherty called the conference call meeting to order at 4:30 p.m.

**2. Charlie Lincoln Ranch Acquisition - Final.** Chris Smith, FWP Deputy Director, briefed the Commission on the status of the proposed Lincoln acquisition. The 7,540-acre Lincoln Ranch is located southwest of Shelby and northwest of Great Falls, along the Marias River. The Will of Charlie Lincoln granted the right of first refusal to Montana Fish Wildlife & Parks. FWP received written notification in August that the Estate had received and accepted an offer of \$7.6 million. According to direction from the Estate, FWP has 30 days from the time of notification of the offer to match that price, and then has an additional 30 days from that date to complete the transaction.

The final decision to purchase is contingent upon the final appraisal to ensure the sale price is not significantly greater than the appraised price, and that adequate access to the parcel must be secured. The purchase would be made with funds from the Habitat Montana Program, The Governor's Access Montana Initiative, non-governmental organization contributions, and conservation/ sportsmen groups.

Vermillion asked if FWP is contractually bound if the Land Board disapproves the purchase, or are there are contingencies. Doll also questioned whether the Department would be legally obligated should the Land Board disapprove the purchase.

Smith replied that the only condition would be to secure access.

Bob Lane replied that FWP can exercise the right of first refusal, but the Department can choose not to close on the purchase. This is a two step process.

Vermillion asked if FWP is comfortable with the valuation.

Paul Sihler, FWP Lands Division Administrator, said the initial appraisal price is within the approved range, and a second appraisal is being conducted at this time.

Doll asked if the bid submitted by Mr. Lincoln's nephew was real.

Smith replied that the \$7.6 million bid was made by Charlie Lincoln's nephew, Rod Lincoln. Another party has communicated a willingness to pay more.

Vermillion asked if staff has visited with the family from New York who has expressed interest is purchasing some of the land and the allowing FWP to place a conservation easement on it.

Smith replied that discussions are taking place.

Smith said the Environmental Assessment speaks to FWP securing the land as a fee title purchase, and not as a partnership.

Doherty said a partnership purchase is questionable, but after the initial purchase, the intent of the will has been met.

*Action: Doherty moved and Colton seconded the motion to grant approval to the Department of Fish, Wildlife & Parks to exercise the right of first refusal and to proceed with the purchase of the Charlie Lincoln Ranch for \$7.6 million for fee title, with the understanding that additional expenditures of up to \$350,000 may be necessary to enhance public access, and that the Department continue negotiations with interested parties to explore options for future land exchanges, which would be subject to separate review by the public, Commission, and Land Board. Motion carried.*

**3. 2008 Late Season Migratory Waterfowl Seasons/Closures – Final.** Quentin Kujala, FWP Wildlife Division Management Bureau Chief, presented the final 2008 Late Season Migratory Bird Seasons/Closures proposals.

*Due to timing of parallel Federal process, some elements below represent changes not clarified at the August 5 meeting (shaded sections). This includes date changes from 2007 that reflect calendar progression and/or established Federal frameworks.*

**Central Flyway:**

Youth Waterfowl Season: September 27 & 28

General Duck and Coot Season: October 4-January 8 (97 days)

Canvasback and Pintail Season: October 4-November 11 (39 days)

Ducks: Daily bag limit shall be 6 ducks or mergansers, possession limit twice daily limit. Daily bag limit shall not include more than 5 mallards no more than 2 of which may be hens, 2 redheads, 2 scaup, 2 wood ducks, 1 pintail and 1 canvasback.

Coots: 15 daily and 30 in possession

**Geese: October 4-January 16 (105 days)**

Dark - 5 daily, possession limit twice the daily limit

White - 6 daily, possession limit twice the daily limit

**Tundra Swan Season: October 4-January 8**

**Falconry Duck and Coot Season: September 24 – January 8**

**Falconry Goose Season: October 4 – January 16**

**Pacific Flyway:**

Youth Waterfowl Season: September 27 & 28

General Waterfowl Season: October 4-January 16 (105 days)

Scaup Season: Youth weekend and October 4-December 28 (86 days plus the youth weekend)

Ducks: Daily bag limit shall be 7 ducks or mergansers, possession limit twice daily limit. Daily bag limit shall not include more than 2 hen mallards, 2 redheads, 2 scaup, and 1 pintail. Canvasback is closed.

Coots: 25 daily and in possession

Geese:

Dark - 4 daily, possession limit twice the daily limit

White - 6 daily, possession limit twice the daily limit

**Swan Season: October 11-December 1**

**Falconry Waterfowl Season: October 4 – January 16 (duck, coot and goose)**

*Action: Colton moved and Vermillion seconded the motion to adopt as final the late season migratory bird seasons as proposed by the Department, with the exception of retaining the Central Flyway dark goose limit at 4.*

Colton suggested going back to the original proposal and then look at it again next year. Comments on the Yellowstone could also be incorporated.

*Action on Motion: Motion carried.*

**4. CSKT Upland Bird and Waterfowl Regulations – Endorsement.** Quentin Kujala, FWP Wildlife Division Management Bureau Chief, explained that the Confederated Salish and Kootenai Tribes and the State of Montana have entered into a cooperative management agreement for the Flathead Reservation in which the CS&KT Tribes present their regulation recommendations to their Tribal Council and Wildlife Boards for approval, and then those recommendations are brought before the FWP Commission for their approval. Typically, the tribal regulations are similar to those of FWP. Regional FWP staff is included in the development of those Tribal upland game bird regulations. The significant differences between the tribal regulations and the current FWP upland bird and waterfowl regulations are that Tribal shooting hours primarily are from sunrise to sunset, and they require that only non-toxic shot be used on the Flathead Indian Reservation.

*Action: Doll moved and Vermillion seconded the motion to endorse the Confederated Salish and Kootenai Tribes upland game bird and waterfowl regulations subject to final Tribal Council approval. Motion carried.*

**5. Ingham Foys' Bend Property Acquisition – Endorsement.** Chris Hunter, FWP Fisheries Division Administrator, explained that under an agreement with the Bonneville Power Administration, FWP and the Confederated Salish and Kootenai Tribes can spend about \$8 million over the next two years to conserve and protect fisheries habitats in the Flathead River basin through property acquisitions. The 235-acre Ingham/Foys Bend purchase is part of this program, consisting of about two miles of high quality cottonwood/riparian riverbank habitat. It adjoins several completed conservation easements. The parcel appraised at \$3 million in 2007, and the approximate selling price is \$2 million.

*Action: Vermillion moved and Colton seconded the motion to approve the recommendation by FWP to pursue this acquisition of 235 acres on the Flathead River to protect bull trout and west slope cutthroat habitat. Motion carried.*

**6. Holmgren Fishing Access Site Acquisition on the Yellowstone River – Final.** Joe Maurier, FWP Parks Division Administrator, explained that FWP proposes to purchase this 72-acre fishing access site located on the north side of the Yellowstone River, six miles west of Columbus in Stillwater County. This acquisition is a regional priority because of the need for public river access in this vicinity. The Holmgren property has a mile of Yellowstone River frontage, and includes meadows, cottonwood stands and terrain suitable for boat launching and landing. FWP has negotiated a \$550,000 fee purchase of the property from the Holmgren family, with funds to come primarily from the Access Montana program. If approved, FWP will secure a railroad crossing permit from BNSF to provide for public vehicular access to the site, and will assess the feasibility of developing a campground on the site. No comments were received in opposition to the project.

*Action: Colton moved and Vermillion seconded the motion to authorize FWP to purchase the Holmgren property along the Yellowstone River in Stillwater County for the price of \$550,000.*

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Following a brief discussion and update on the Anthrax occurrence, it was agreed that an informational effort to alert hunters of the situation was preferable to closing the season.

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*Action: Doll moved and Vermillion seconded the motion to change the venue of the September Commission meeting from Hamilton to Helena. Motion carried.*

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The meeting adjourned at 5:20 p.m.